

unless specific permission to do so has first been granted in each case by the enforcing agency.

(c) The regulations in this section shall be enforced by the respective Fleet Superintendents and such agencies as they may designate.

[CGD 75-082, 42 FR 51759, Sept. 29, 1977, as amended by CGD 86-053, 51 FR 43742, Dec. 4, 1986; USCG-2011-0257, 76 FR 31838, June 2, 2011]

## PART 163—TOWING OF BARGES

Sec.

163.01 Application.

163.03 Definitions.

163.05 Tows of seagoing barges within inland waters.

163.20 Bunching of tows.

AUTHORITY: 33 U.S.C. 152, 2071; 49 CFR 1.46(n).

### § 163.01 Application.

(a) The regulations in this part apply to vessels navigating the harbors, rivers, and inland waters of the United States, except the Great Lakes and their connecting and tributary waters as far east as Montreal, the Red River of the North, the Mississippi River and its tributaries above Huey P. Long Bridge, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway.

(b) Seagoing barges and their towing vessels shall be subject to the requirements in this part under the provisions of section 14 of the Act of May 28, 1908, as amended (sec. 14, 35 Stat. 428, as amended; 33 U.S.C. 152). Under the provisions of section 15 of the Act of May 28, 1908, as amended (sec. 15, 35 Stat. 429; 33 U.S.C. 153), the penalty for use of an unlawful towline shall be an action against the master of the towing vessel seeking the suspension or revocation of his license or merchant mariner credential.

[CGFR 60-61, 25 FR 9045, Sept. 21, 1960, as amended by CGFR 66-59, 31 FR 13647, Oct. 22, 1966. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981; USCG-2006-24371, 74 FR 11213, Mar. 16, 2009]

### § 163.03 Definitions.

The following definition applies to this part:

*Merchant mariner credential or MMC* means the credential issued by the Coast Guard under 46 CFR part 10. It combines the individual merchant mariner's document, license, and certificate of registry enumerated in 46 U.S.C. subtitle II part E as well as the STCW endorsement into a single credential that serves as the mariner's qualification document, certificate of identification, and certificate of service.

[USCG-2006-24371, 74 FR 11213, Mar. 16, 2009]

### § 163.05 Tows of seagoing barges within inland waters.

(a) The tows of seagoing barges when navigating the inland waters of the United States shall be limited in length to five vessels, including the towing vessel or vessels.

[CGFR 60-61, 25 FR 9045, Sept. 21, 1960. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981]

### § 163.20 Bunching of tows.

(a) In all cases where tows can be bunched, it should be done.

(b) Tows navigating in the North and East Rivers of New York must be bunched above a line drawn between Robbins Reef Light and Owls Head, Brooklyn, but the quarantine anchorage and the north entrance to Ambrose Channel shall be avoided in the process of bunching tows.

(c) Tows must be bunched above the mouth of the Schuylkill River, Pa.

[CGFR 60-61, 25 FR 9045, Sept. 21, 1960, as amended by CGFR 64-21, 29 FR 5733, Apr. 30, 1964. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981]

## PART 164—NAVIGATION SAFETY REGULATIONS

Sec.

164.01 Applicability.

164.02 Applicability exception for foreign vessels.

164.03 Incorporation by reference.

164.11 Navigation under way: General.

164.13 Navigation underway: tankers.

164.15 Navigation bridge visibility.

164.19 Requirements for vessels at anchor.

164.25 Tests before entering or getting underway.

164.30 Charts, publications, and equipment: General.

164.33 Charts and publications.

## § 164.01

- 164.35 Equipment: All vessels.
- 164.37 Equipment: Vessels of 10,000 gross tons or more.
- 164.38 Automatic radar plotting aids (ARPA).
- 164.39 Steering gear: Foreign tankers.
- 164.40 Devices to indicate speed and distance.
- 164.41 Electronic position fixing devices.
- 164.42 Rate of turn indicator.
- 164.46 Automatic Identification System (AIS).
- 164.51 Deviations from rules: Emergency.
- 164.53 Deviations from rules and reporting: Non-operating equipment.
- 164.55 Deviations from rules: Continuing operation or period of time.
- 164.61 Marine casualty reporting and record retention.
- 164.70 Definitions.
- 164.72 Navigational-safety equipment, charts or maps, and publications required on towing vessels.
- 164.74 Towline and terminal gear for towing astern.
- 164.76 Towline and terminal gear for towing alongside and pushing ahead.
- 164.78 Navigation under way: Towing vessels.
- 164.80 Tests, inspections, and voyage planning.
- 164.82 Maintenance, failure, and reporting.

AUTHORITY: 46 U.S.C. 2103, 3703, 70034; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277. Sec. 164.13 also issued under 46 U.S.C. 8502. Sec. 164.46 also issued under 46 U.S.C. 70114 and Sec. 102 of Pub. L. 107-295. Sec. 164.61 also issued under 46 U.S.C. 6101. Department of Homeland Security Delegation No. 0170.1.

### § 164.01 Applicability.

(a) This part (except as specifically limited by this section) applies to each self-propelled vessel of 1600 or more gross tons (except as provided in paragraphs (c) and (d) of this section, or for foreign vessels described in §164.02) when it is operating in the navigable waters of the United States except the St. Lawrence Seaway.

(b) Sections 164.70 through 164.82 of this part apply to each towing vessel of 12 meters (39.4 feet) or more in length operating in the navigable waters of the United States other than the St. Lawrence Seaway; except that a towing vessel is exempt from the requirements of §164.72 if it is—

(1) Used solely within a limited geographic area, such as a fleeting-area for barges or a commercial facility, and used solely for restricted service, such

## 33 CFR Ch. I (7-1-21 Edition)

as making up or breaking up larger tows;

(2) Used solely for assistance towing as defined by 46 CFR 10.103;

(3) Used solely for pollution response; or

(4) Any other vessel exempted by the Captain of the Port (COTP). The COTP, upon written request, may, in writing, exempt a vessel from §164.72 for a specified route if he or she decides that exempting it would not allow its unsafe navigation under anticipated conditions.

(c) Provisions of §§164.11(a)(2) and (c), 164.30, 164.33, and 164.46 do not apply to warships or other vessels owned, leased, or operated by the United States Government and used only in government noncommercial service when these vessels are equipped with electronic navigation systems that have met the applicable agency regulations regarding navigation safety.

(d) Provisions of §164.46 apply to some self-propelled vessels of less than 1600 gross tonnage.

[CGD 83-004, 49 FR 43466, Oct. 29, 1984, as amended by CGD 94-020, 61 FR 35072, July 3, 1996; USCG-2000-8300, 66 FR 21864, May 2, 2001; USCG-2003-14757, 68 FR 39367, July 1, 2003]

### § 164.02 Applicability exception for foreign vessels.

(a) Except for §164.46(c), none of the requirements of this part apply to foreign vessels that:

(1) Are not destined for, or departing from, a port or place subject to the jurisdiction of the United States; and

(2) Are in:

(i) Innocent passage through the territorial sea of the United States; or

(ii) Transit through navigable waters of the United States which form a part of an international strait.

[CGD 77-063, 44 FR 66530, Nov. 19, 1979, as amended by CGD 79-148, 45 FR 54039, Aug. 14, 1980; USCG-2003-14757, 68 FR 39367, July 1, 2003; 68 FR 60569, Oct. 22, 2003; USCG-2005-21869, 80 FR 5334, Jan. 30, 2015]

### § 164.03 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition

other than that specified in this section, the Coast Guard must publish notice of the change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For more information on the availability of this material at NARA, call 202-741-6030, or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html). Also, it is available for inspection at the Commandant (CG-NAV), U.S. Coast Guard Stop 7418, Attn: Office of Navigation Systems, 2703 Martin Luther King Jr. Ave. SE., Washington, DC 20593-7418, telephone 202-372-1565, and is available from the sources listed below.

(b) American Petroleum Institute (API), 1220 L Street NW., Washington, DC 20005-4070, 202-682-8000, [www.api.org](http://www.api.org):

(1) API Specification 9A, Specification for Wire Rope, Section 3, Properties and Tests for Wire and Wire Rope, May 28, 1984, IBR approved for § 164.74.

(2) [Reserved]

(c) ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, 610-832-9585, [www.astm.org](http://www.astm.org):

(1) ASTM D4268-93, Standard Test Method for Testing Fiber Rope, IBR approved for § 164.74.

(2) [Reserved]

(d) Cordage Institute, 350 Lincoln Street, Hingham, MA 02043.

(1) CIA-3, Standard Test Methods for Fiber Rope Including Standard Terminations, Revised, June 1980, IBR approved for § 164.74.

(2) [Reserved]

(e) International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR, United Kingdom, [www.imo.org](http://www.imo.org):

(1) IMO Resolution A342(IX), Recommendation on Performance Standards for Automatic Pilots, November 12, 1975, IBR approved for § 164.13.

(2) IMO Resolution A.917(22), Guidelines for the Onboard Operational Use of Shipborne Automatic Identification System (AIS), January 25, 2002, IBR approved for § 164.46.

(3) SN/Circ.227, Guidelines for the Installation of a Shipborne Automatic Identification System (AIS), January 6, 2003, IBR approved for § 164.46.

(4) SN/Circ.244, Guidance on the Use of the UN/LOCODE in the Destination Field in AIS Messages, December 15, 2004, IBR approved for § 164.46.

(5) SN/Circ.245, Amendments to the Guidelines for the Installation of a Shipborne Automatic Identification System (AIS)(SN/Circ.227), December 15, 2004, IBR approved for § 164.46.

(6) SOLAS, International Convention for the Safety of Life at Sea, 1974, and 1988 Protocol relating thereto, 2000 Amendments, effective January and July 2002, (SOLAS 2000 Amendments), IBR approved for § 164.46.

(7) Conference resolution 1, Adoption of amendments to the Annex to the International Convention for the Safety of Life at Sea, 1974, and amendments to Chapter V of SOLAS 1974, adopted on December 12, 2002, IBR approved for § 164.46.

(8) SN.1/Circ.289, Guidance on the Use of AIS Application-Specific Messages, June 2, 2010, IBR approved for § 164.46.

(f) National Marine Electronics Association (NMEA), 7 Riggs Avenue, Severna Park, MD 21146, 800-808-6632, [www.nmea.org](http://www.nmea.org):

(1) NMEA 0400, Installation Standard for Marine Electronic Equipment used on Moderate-Sized Vessels, Version 3.10, February 2012, IBR approved for § 164.46.

(2) [Reserved]

(g) Radio Technical Commission for Maritime Services (RTCM), 1611 N. Kent St., Suite 605, Arlington, VA 22209, 703-527-2000, [www.rtcn.org](http://www.rtcn.org):

(1) RTCM Paper 12-78/DO-100, Minimum Performance Standards, Loran C Receiving Equipment, 1977, IBR approved for § 164.41.

(2) RTCM Paper 71-95/SC112-STD, RTCM Recommended Standards for Marine Radar Equipment Installed on Ships of Less Than 300 Tons Gross Tonnage, Version 1.1, October 10, 1995, IBR approved for § 164.72.

(3) RTCM Paper 191-93/SC112-X, RTCM Recommended Standards for Maritime Radar Equipment Installed on Ships of 300 Tons Gross Tonnage and Upwards, Version 1.2, December 20, 1993, IBR approved for § 164.72.

(h) International Electrotechnical Commission (IEC), 3, rue de Varembe, Geneva, Switzerland, +41 22 919 02 11, <http://www.iec.ch/>. Email: [info@iec.ch](mailto:info@iec.ch).